

David M. Spector, Esq.  
Antony S. Burt, Esq.  
Amy M. Rubenstein, Esq.  
**SCHIFF HARDIN LLP**  
233 South Wacker Drive  
Chicago, Illinois 60606  
Tel: (312) 258-5500

Brian J. Neff, Esq.  
SCHIFF HARDIN LLP  
900 Third Avenue  
23rd Floor  
New York, New York 10022  
Tel: (212) 753-5000

Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

## LEXINGTON INSURANCE COMPANY,

-x

*Plaintiff,*

•

V.

•

TOKIO MARINE & NICHIDO FIRE  
INSURANCE COMPANY LIMITED,  
as successor to NICHIDO FIRE & MARINE  
INSURANCE COMPANY LIMITED

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

*Defendant.*

-x

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Brian J. Neff, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicants' Names: Antony S. Burt

Amy M. Rubenstein

Firm Name: Schiff Hardin LLP

Address: 233 S. Wacker Drive, Suite 6600

**City/State/Zip:** Chicago, Illinois 60606

Phone Number: (312) 258-5500

Fax Number: (312) 258-5600

Mr. Burt is a member in good standing of the Bars of the States of New York and Illinois. Ms. Rubenstein is a member in good standing of the Bars of the States of New York and Illinois.

There are no pending disciplinary proceedings against Mr. Burt or Ms. Rubenstein in any State or Federal court.

U.S. DISTRICT COURT  
FILED  
2011 FEB 24 PM 12:17  
S.D. OF N.Y.

Dated: 2/24/2011  
City, State: New York, N.Y.

Respectfully submitted,

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Sponsor: Brian J. Neff  
SDNY Bar: BN9568  
Firm Name: Schiff Hardin LLP  
Address: 900 Third Avenue  
City/State/Zip: New York, N.Y. 10022  
Phone Number: (212) 745-0858  
Fax Number: (212) 753-5044

NY\50942111.1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LEXINGTON INSURANCE COMPANY, :  
: *Plaintiff*, :  
: :  
v. : :  
: :  
TOKIO MARINE & NICHIDO FIRE :  
INSURANCE COMPANY LIMITED, :  
as successor to NICHIDO FIRE & MARINE :  
INSURANCE COMPANY LIMITED :  
: :  
*Defendant.* :  
-----X

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Brian J. Neff, attorney for Defendant Tokio Marine & Nichido Fire Insurance Company Limited, as successor to Nichido Fire & Marine Insurance Company Limited (“Nichido”), and said sponsor attorney’s affidavit in support;

**IT IS HEREBY ORDERED** that

Applicants’ Names:	Antony S. Burt
	Amy M. Rubenstein
Firm Name:	Schiff Hardin LLP
Address:	233 S. Wacker Drive, Suite 6600
City/State/Zip:	Chicago, Illinois 60606
Telephone/Fax:	(312) 258-5500/(312) 258-5600
Email Address:	aburt@schiffhardin.com; arubenstein@schiffhardin.com

are admitted to practice pro hac vice as counsel for Defendant Nichido in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:

City, State:

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United States District/Magistrate Judge

David M. Spector, Esq.  
Antony S. Burt, Esq.  
Amy M. Rubenstein, Esq.  
SCHIFF HARDIN LLP  
233 South Wacker Drive  
Chicago, Illinois 60606  
Tel: (312) 258-5500

Brian J. Neff, Esq.  
SCHIFF HARDIN LLP  
900 Third Avenue  
23rd Floor  
New York, New York 10022  
Tel: (212) 753-5000

Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X	
LEXINGTON INSURANCE COMPANY,	:
	:
<i>Plaintiff,</i>	:
	:
v.	:
	:
TOKIO MARINE & NICHIDO FIRE	:
INSURANCE COMPANY LIMITED,	:
as successor to NICHIDO FIRE & MARINE	:
INSURANCE COMPANY LIMITED	:
	:
<i>Defendant.</i>	:
	X-----

**AFFIDAVIT OF BRIAN J. NEFF  
IN SUPPORT OF MOTION  
TO ADMIT COUNSEL  
PRO HAC VICE**

State of New York )  
                      )  
                      ) ss:  
County of New York )

Brian J. Neff, being duly sworn, hereby deposes and says as follows:

1. I am counsel to the law firm of Schiff Hardin LLP, counsel for Defendant in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Antony S. Burt and Amy M. Rubenstein as counsel pro hac vice to represent Defendant in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1994. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known Mr. Burt and Ms. Rubenstein since 2005.

4. Mr. Burt and Ms. Rubenstein are partners at Schiff Hardin LLP in Chicago, Illinois.
5. I have found Mr. Burt and Ms. Rubenstein to be skilled attorneys and persons of integrity. They are experienced in Federal practice and are familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Antony S. Burt and Amy M. Rubenstein, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Antony S. Burt and Amy M. Rubenstein, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Antony S. Burt and Amy M. Rubenstein, pro hac vice, to represent Defendant in the above captioned matter, be granted.

Dated: February 23, 2011

City, State: New York, N.Y.

Notarized:



ERICA LAUREN TUCKER  
Notary Public, State of New York  
No. 01TU6169142  
Qualified in New York County  
Term Expires June 18, 2011

Respectfully submitted,



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Name of Movant: Brian J. Neff  
SDNY Bar Code: BN 9568

NY50942115.1

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Motion To Admit Counsel Pro Hac Vice in the case of Lexington Insurance Company v. Tokio Marine & Nichido Fire Insurance Company Limited, as successor to Nichido Fire & Marine Insurance Company Limited was served via first class mail on February 24, 2011 upon the following:

**Sarah B. Hargrove**  
**O'Melveny & Myers LLP**  
Times Square Tower  
7 Times Square  
New York, NY 10036



Erica Tucker

A handwritten signature in black ink, appearing to read "Erica Tucker". It is written in a cursive style with a horizontal line underneath it.



*State of New York  
Supreme Court, Appellate Division  
Third Judicial Department*

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*I, Robert D. Mayberger, Clerk of the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, do hereby certify that*

*Antony Stephen Burt*

*having taken and subscribed the Constitutional Oath of Office as prescribed by law, was duly licensed and admitted to practice by this Court as an Attorney and Counselor at Law in all courts of the State of New York on the 24th day of February, 2004, is currently in good standing and is registered with the Administrative Office of the Courts as required by section four hundred sixty-eight-a of the Judiciary Law.*

*In Witness Whereof, I have hereunto set my hand  
and affixed the Seal of said Court, at the  
City of Albany, this 10th day of  
February, 2011.*



Robert D. Mayberger  
Clerk

## Certificate of Admission To the Bar of Illinois

I, Carolyn Taft Grosboll, Clerk of the Supreme Court of Illinois, do hereby certify that

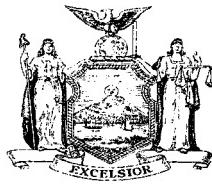
Antony Stephen Burt

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 1, 1982 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Thursday, February 10, 2011.

*Carolyn Taft Grosboll*

Clerk



*State of New York  
Supreme Court, Appellate Division  
Third Judicial Department*

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*I, Robert D. Mayberger, Clerk of the Appellate Division of the Supreme Court of the State of New York, Third Judicial Department, do hereby certify that*

*Amy Michelle Rubenstein*

*having taken and subscribed the Constitutional Oath of Office as prescribed by law, was duly licensed and admitted to practice by this Court as an Attorney and Counselor at Law in all courts of the State of New York on the 18th day of February, 2009, is currently in good standing and is registered with the Administrative Office of the Courts as required by section four hundred sixty-eight-a of the Judiciary Law.*

*In Witness Whereof, I have hereunto set my hand  
and affixed the Seal of said Court, at the  
City of Albany, this 18th day of  
February, 2011.*

Robert D. Mayberger  
Clerk



## **Certificate of Admission To the Bar of Illinois**

I, Carolyn Taft Grosboll, Clerk of the Supreme Court of Illinois, do hereby certify that

Amy M. Rubenstein

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 7, 2002 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Wednesday, February 16, 2011.

*Carolyn Taft Grosboll*

Clerk